



AGENDA MEMORANDUM

Future Item for the City Council Meeting of October 21, 2014
Action Item for the City Council Meeting of October 28, 2014

DATE: September 30, 2014
TO: Ronald L. Olson, City Manager
FROM: Daniel M. Grimsbo, P.E., A.I.C.P., Director, Department of Development Services
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Ordinance appropriating \$3,956.06 from the No. 4220 Wastewater Trunk System Trust Fund to refund Pedro S. & Sarangelica Bazan, the wastewater lot/acreage fee paid.

CAPTION:

Ordinance appropriating \$3,956.06 from the No. 4220 Wastewater Trunk System Trust Fund to refund Pedro S. Bazan and Sarangelica Bazan the wastewater lot/acreage fee paid since wastewater services are not available nor will it be available within the next 5 years as related to Oak Terrace Unit 2, Block 4, Lot 9A.

PURPOSE:

In accordance with the Unified Development Code, Section 8.5.2.G.1, the property owner may petition the City Council to determine whether the wastewater acreage should be refunded.

BACKGROUND AND FINDINGS:

In September 2004, Pedro S. Bazan and Sarangelica Bazan paid the wastewater acreage fee as required during the replat of the property. The Platting Ordinance in 1993 required payment of the wastewater acreage fee or an exemption from the fee by the City Council. The applicant paid the fee. In the 1993 Platting Ordinance as well as the current Unified Development Code (UDC), the current property owner may request a refund of the fees paid. The refund request must be made after 10 years and before 20 years from the date of the filing of the plat. The UDC states that the City Council may decide during a hearing to refund the monies if the petitioners are the property owners; no wastewater lines currently serve the petitioners' property; and the property is not likely to be served within the next 5 years. The refunds will be appropriated from the Wastewater Trunk System Trust Fund, if funds available. The refund shall include a 5.5% interest per annum from the date of filing of the plat. The order of refunds will be determined according to the date the application for refund is approved by the City Council.

The plat of Oak Terrace Unit 2, Block 4, Lot 9A was recorded as Lot 8 on September 17, 2004. Due to the lot number duplication, the amended plat as Lot 9A was recorded on June 14, 2005. It has been 10 years since the plat was first recorded and the wastewater fees paid. Based on the criteria stated above and the payment of \$2,316.00 in 2004, Mr. and Mrs. Bazan are currently due \$3,956.06. Since the fee was paid in 2004 and has been accruing interest, it is in the best interest of the City to authorize payment the Bazans.

ALTERNATIVES:

None.

OTHER CONSIDERATIONS:

Not Applicable

CONFORMITY TO CITY POLICY:

Refund request is consistent with UDC Section 8.5.2.G.1.

EMERGENCY / NON-EMERGENCY:

Non-Emergency.

DEPARTMENTAL CLEARANCES:

FINANCIAL IMPACT:

| Fiscal Year: 2014-2015 | Project to Date Expenditures (CIP only) | Current Year | Future Years | TOTALS |
|------------------------------------|--|---------------------|---------------------|---------------|
| Wastewater Trunk System Trust Fund | | \$1,383,635.74 | | |
| Encumbered / Expended Amount | | \$500,773.71 | | |
| This item | | \$3,956.06 | | |
| BALANCE | | \$878,905.97 | | |

Fund(s): Wastewater Trunk System Trust Fund

Comments: N/A

RECOMMENDATION:

Staff recommends approval of the appropriations ordinance to the refund of Mr. & Mrs. Bazan's wastewater acreage fee plus the required 5.5% interest per annum.

LIST OF SUPPORTING DOCUMENTS:

- Exhibit A – Location Map
- Exhibit B – Pedro S. Bazan Refund Request Ordinance